

Practitioner's Docket No. 70257/40535RE-C

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129." M.P.E.P. Section 601, 7th ed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION Assistant Commissioner for Patents Washington, D.C. 20231



Transmitted herewith for filing is the patent application of Inventor(s): Daniel F. Baldwin, Sung W. Cha, Chul B. Park, and Nam P. Suh

WARNING:

37 C.F.R. Section 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by Section 1.63, except as provided for in Section 1.53(d)(4) and Section 1.63(d). If an oath or declaration as prescribed by Section 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to Section 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in Section 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): SUPERMICROCELLULAR FOAMED MATERIALS

1. Type of Application

This new application is for a(n)

(check one applicable item below)

[X] Original (nonprovisional)

Design

(New Application Transmittal--page 1 of 14)

[] Plant

WARNING:

Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

WARNING:

Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION
TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT
APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

[]	Divisional.
[X]	Continuation.
ΪĪ	Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. Section 112. Each prior application must also be:

- (I) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
- (ii) Complete as set forth in Section 1.51(b); or
- (iii) Entitled to a filing date as set forth in Section 1.53(b) or Section 1.53(d) and include the basic filing fee set forth in Section 1.16; or
- (iv) Entitled to a filing date as set forth in Section 1.53(b) and have paid therein the processing and retention fee set forth in Section 1.21(l) within the time period set forth in Section 1.53(f).

37 C.F.R. Section 1.78(a)(1).

NOTE If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING:

If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should

(New Application Transmittal--page 2 of 14)

consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

WARNING:

When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. Section 1.78(a)(3).

[] The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

- A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application
 - 28 Pages of Specification
 - 11 Pages of Claims
 - 1_ Page of the Abstract
 - 10 Sheets of Drawing (Formal Drawings, Figures 1-18)

The above documents were originally filed with application no. 07/934,570, filed 8/24/92, Pat. No. 5,334,356 (Surrendered). Enclosed is a copy of the Reissued application filed August 2, 1996 together with a copies of Ten (10) sheets of Formal Drawings, Figs. 1-18.

WARNING:

DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to Section 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. 1.84, see Notice of March 9, 1988. (1990 O.G. 57-62).

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page. . . " 37 C.F.R. Section 1.84(c)).

(complete the following, if applicable)

В.	Other Papers Enclosed
[]	Informal
[]	Formal
[]	The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

4.

[]

	A cop A cop	Pages of Abstract Tages of Abstract Ther: Ty of the Reissue Application Declaration by Inventors executed by W. Cha; Ty of the Reissue Application Declaration by Inventors executed by W. Cha; Ty of the Reissue Application Declaration by Inventors executed by W. E. Baldwin; Ty of the Reissue Application Declaration by Inventors executed by Nam P. Suh, Ty of Declaration of Facts of George W. Neuner, Esq. re Inventor Chul B. Park; Ty of a letter dated December 28, 2000 to Inventor Chul B. Park from Ty of a letter dated February 23, 2001 to Inventor Chul B. Park from Ty of a letter dated February 23, 2001 to Inventor Chul B. Park from Ty of Declaration of Facts of Kelvin T. Okamoto, Esq. re Inventor Chul B. Park; Ty of Supplemental of George W. Neuner, Esq. in Support of the Petition Under Ty of Decision Granting Status Under 37 C.F.R. §1.47(a); Ty of Decision Granting Status Under 37 C.F.R. §1.47(a); Ty of the Petition for Revival of Application Unintentionally Abandoned and Ty of the Notice of Allowability.
Addit	ional Pa	apers Enclosed
[]	Amen	dment to claims
	[X]	Cancel in this applications claims 2-25 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.) Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
[] [] [] [] [] [] []	Inform Form Citation Decla Subm pertain seque Author Specia Other Assoc	ration of Biological Deposit ission of "Sequence Listing," computer readable copy and/or amendment ning thereto for biotechnology invention containing nucleotide and/or amino acid nce. orization of Attorney(s) to Accept and Follow Instructions from Representative al Comments

5. Declaration or Oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided the prior

nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under Section 1.47 then a copy of that declaration must be filed accompanied by a copy of the decision granting Section 1.47 status or, if a nonsigning person under Section 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. Section 1.63(d)(1)-(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and the residence, post office address and country of citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. Section 1.63(a)(1)-(4).

NOTE: A The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by Section 1.62, except as provided for in Section 1.53(d)(4) and Section 1.63(d). If an oath or declaration as prescribed by Section 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to Section 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in Section 1.17(I) is filed supplying or changing the name or names of the inventor or inventors. 37 C.F.R. Section 1.41(a)(1).

[]	Enclosed						
	Execu	Executed by					
			(check all applicable boxes)				
	[]	inventor(s). A copy of legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43. joint inventor or person showing a proprietary interest on behalf of inventor wherefused to sign or cannot be reached.					
		[]	This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.				
[]	Not E	Enclosed					

NOTE: Where the filing is a completion in the U.S. of an International Application, or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

[] Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).

[] Showing that the filing is authorized.

(not required unless called into question. 37 C.F.R. Section 1.41(d))

6. Inventorship Statement

The same

WARNING:

If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

[21]	or
[]	Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made, [] is submitted. [] will be submitted.

7. Language

[X]

NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. Section 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. Section 1.52(d).

]	English
Γ	1	Non-English

[] The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

8. Assignment

[X] An assignment of the invention to Massachusetts Institute of Technology

•A copy of the Resubmission of Assent by Assignee for Filing of Reissue Application of D. Baldwin, et al. executed by an authorized office of the Assignee; and •A copy of Statement Under 37 C.F.R. 3.73(b) Establishing Right of Assignee to Take Action; and

•A Copy of Notice of Recordation of Assignment Document and Executed Assignment from Sung W. Cha, et al. to Massachusetts Institute of Technology, Recorded April 5, 1991, on Reel/Frame 5738/0966.

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment" Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING:

A newly executed "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. no.	Filed
Country	Appln. no.	Filed
Country	Appln. no.	Filed

from which priority is claimed

]	is (are) attached.
]	will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. Section 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. Section 1.16)

A. [] Regular application

CLAIMS AS FILED						
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$740.00	
Total Claims (37 C.F.R. Section 1.16(c))		1 - 20 =	X	\$18.00		
Independent C (37 C.F.R. Sec 1.16(b))		1 - 3 =	x	\$84.00		

Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))

+ \$280.00

	[]	Amendment cancelling extra claims is enclosed. Amendment deleting multiple-dependencies is enclosed. Fee for extra claims is not being paid at this time.
NOTE:		s for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the n of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. 1.16(d).
		Filing Fee Calculation \$
	В.	[] Design application (\$330.0037 C.F.R. Section 1.16(f)) Filing Fee Calculation \$
	C.	[] Plant application (\$510.0037 C.F.R. Section 1.16(g)) Filing Fee Calculation \$
11.	Small 1	Entity Statement(s)
	[]	Statement(s) that this is a filing by a small entity under 37 C.F.R. Section 1.9 and 1.27 is (are) attached.
WARN		"Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under Section 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under Section 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this Section." 37 C.F.R. Section 1.28(a)(2). "Small entity status must not be established when the person or persons signing the statement can unaquive cally make the required self-cartification." M.P.F.P. Section 500.03. 6th ed., rev. 2. July 1000.
		unequivocally make the required self-certification." M.P.E.P. Section 509.03, 6th ed., rev. 2, July 1996 (emphasis added).
		(complete the following, if applicable)
	[]	Status as a small entity was claimed in prior application

		35 U.S.	C. Section	[] [] []	119(e), 120, 121, 365(c),			
		and whi	ich status as a sr	nall entit	ty is still proper and c	lesired.		
		[]	A copy of the s	tatement	t in the prior applicat	ion is include	ed.	
		Filing F	ee Calculation ((50% of	A, B or C above)	\$	and of the state o	
NOTE:							request are filed within 2 mo Section 1.136. 37 C.F.R. Se	
12.	Reques	t for Int	ernational-Typ	e Searcl	h (37 C.F.R. Section	1.104(d))		
				(comp	lete, if applicable)			
	[]		prepare an inte l examination or			for this appl	lication at the time w	/hen
13.	Fee Pay	yment B	eing Made at T	his Tim	e			
	[]	Not En	closed					
		[X]	No filing fee is (This and the subsequently.)			C.F.R. Sect	tion 1.16(e) can be j	paid
	[]	Enclose	ed					
		[]	Filing fee				\$	
		[]	•	F.R. Sec 'COVER T ACCO	tion 1.21(h)) R SHEET FOR OMPANYING NEW		\$	
		[]	Petition fee for than all the inv on behalf of th	entors o	r person			

			inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$	
		[]	For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$
		[]	Processing and retention fee (\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))	\$
		[]	Fee for international-type search report (\$40.00; 37 C.F.R. Section 1.21(e))	\$
NOTE:	complete t and 1.78(the applica a)(1), indi	1.21(1) establishes a fee for processing and retaining any apation pursuant to 37 C.F.R. Section 1.53(f) and this, as well exact that in order to obtain the benefit of a prior U.S. appliance and retention fee of Section 1.21(1) must be paid, with	as the changes to 37 C.F.R. Section 1.53 cation, either the basic filing fee must be
			Total Fees Enclosed	\$0.00
14.	Method	of Pay	ment of Fees	
	[]	Check	in the amount of \$	
	[]	_	Account No in the amount of \$ icate of this transmittal is attached.	•
NOTE:	Fees shou	ld be item	ized in such a manner that it is clear for which purpose the fe	es are paid. 37 C.F.R. Section 1.22(b).
15.	Author	ization t	to Charge Additional Fees	
WARNI	ING:	If no fees	s are to be paid on filing, the following items should not be con	mpleted.
WARNI	ING:		rly count claims, especially multiple dependent claims, to avo are authorized.	id unexpected high charges, if extra clain
	[]		ommissioner is hereby authorized to charge the and during the entire pendency of this application to	
		[]	37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)	
		[]	37 C.F.R. Section 1.16(b), (c) and (d) (presentation	on of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be

	paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in an notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.					
	[]	37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)				
	37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).					
	[]	37 C.F.R. Section 1.17 (application processing fees)				
NOTE:	"A written request may be submitted in an application that is an authorization to treat any concurrent or future representation of processing a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1 or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).					
	[]	37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))				
NOTE:	Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b)).					
NOTE:	37 C.F.R. Section 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application prior to paying, or at the time of paying, issue fee." From the wording of 37 C.F.R. Section 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.					
16.	Instructions as	s to Overpayment				
NOTE:	" Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable tim will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if request credit to a deposit account." 37 C.F.R. Section 1.26(a).					
	[] Credit	Account No				
	[] Refun	d				

[X]

Reg. No.	45 053		Richard J. Roos, Esq.	
•	ate: February 22,2002		(type or print name of practitioner)	
Tel. No.: 617-439-4444 Customer No.: 21874		9-4444	DBRC, Intellectual Property Practice Group of EDWARDS & ANGELL, LLP P.O. Box 9169 Boston, Massachusetts 02209	
[X]	Incorpo	oration by reference of added pages		
	applicate division	tion(s) (including an international application al or C-I-P application) and complete a CATION TRANSMITTAL WHERE BENE	s transmittal claims the benefit of prior U.S. on entering the U.S. stage as a continuation, and attach the ADDED PAGES FOR NEW EFIT OF PRIOR U.S. APPLICATION(S)	
	[X]	Plus Added Pages for New Application Application(s) Claimed	Transmittal Where Benefit of Prior U.S. Number of pages added ONE (1)	
	[]	Plus Added Pages for Papers Referred to in I	tem 4 Above Number of pages added	
	[]	1 0	led pages deleting names of inventor(s) named on prior application(s) who is/are no eventor(s) of the subject matter claimed in this application. Number of pages added	
	[]	Plus "Assignment Cover Letter Accompanyi	ng New Application"	

Statement Where No Further Pages Added

Number of pages added _____

[X] This transmittal ends with this page.

ADDED PAGE(S) FOR SPECIAL COMMENTS FOR NEW APPLICATION TRANSMITTAL

This application is a Continuation of 08/692,060, filed 8/2/96, Pending; Which is a Reissue of 07/934,570, filed 8/24/92, Pat. No. 5,334,356 (Surrendered); Which is a Divisional of 07/682,116, filed 4/5/91, Pat. No. 5,158,986.

Added page One (1)

(Added Page(s) for Special Comments for New Application Transmittal)

BOS2_191421.1s

CERTIFICATE OF I	Docket No. 70257/40535RE-C		
Serial No.	Filing Date HEREWITH	Examiner K. THORNTON	Group Art Unit 1744
N/A Invention: SUPERMIC	is NEW PATENT APPLICATION that the United States Postal Servenvelope addressed to: The Company 2002 (Date)	ERIALS ON AND RELATED DOCUM (Identify type of correspondence) ice "Express Mail Post Office	IENTS. to Addressee" service under ademarks, Washington, D.C. DAVIS Mailing Correspondence) Mailing Correspondence)